

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

THUNDER COLLINS,)	4:12CV3235
)	
Petitioner,)	
)	
v.)	MEMORANDUM
)	AND ORDER
FRED BRITTEN,)	
)	
Respondent.)	

This matter is before the court on Petitioner's Motion to Amend Information (filing no. [21](#)) and Respondent's Motion for Clarification (filing no. [22](#)). The court will address each Motion in turn.

I. Motion to Amend

On May 28, 2013, Respondent filed an Answer and Brief in accordance with the court's February 14, 2013, Memorandum and Order. (Filing Nos. [19](#) and [20](#).) In response, Petitioner filed a Motion to Amend Information along with an attached 62-page brief. (Filing No. [21](#).) Liberally construed, Petitioner appears to be supplementing or clarifying his claims. (*Id.*) To the extent Petitioner seeks to add or abandon claims, he must clearly seek the court's leave to do so by filing a motion to amend along with an unsigned copy of the proposed amended pleading. See [NECivR 15.1\(a\)](#). Petitioner has failed to do so. Accordingly, Petitioner's Motion to Amend Information is denied.

II. Motion to Clarify

Because Petitioner's Motion to Amend Information was unclear, Respondent has asked the court to clarify whether Petitioner's 62-page brief is a response to Respondent's Brief, or whether it is simply a brief filed in support of a motion to amend. (Filing No. [22](#) at CM/ECF p. 2.) As set forth above, Petitioner's Motion to Amend Information is denied. However, in light of Petitioner's pro se status, the court will provide him with an additional opportunity to respond to Respondent's Brief. This matter shall therefore proceed as set forth below:

IT IS ORDERED:

1. Petitioner's Motion to Amend Information (filing no. [21](#)) is denied without prejudice to reassertion in accordance with the Memorandum and Order.
2. Respondent's Motion for Clarification (filing no. [22](#)) is granted.
3. If Petitioner seeks to amend his Petition he may file a motion to amend and a proposed amended petition in accordance with the court's local rules by August 1, 2013.
4. If Petitioner does not seek to amend his petition, he shall file and serve a brief in response to Respondent's Answer by August 16, 2013.
5. No later than 30 days after the filing of Petitioner's brief, Respondent shall file and serve a reply brief. In the event that Respondent elects not to file a reply brief, he should inform the court by filing a notice stating that he will not file a reply brief and that the merits of the petition are therefore fully submitted for decision.

DATED this 17th day of July, 2013.

BY THE COURT:

Richard G. Kopf

Senior United States District Judge

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